

March 7, 2024

*Via ECF*

The Honorable Vernon S. Broderick  
The U.S. District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 415  
New York, NY 10007

**Re: *Jones Lang LaSalle Brokerage, Inc. v. Nityo Infotech Corporation*, 1:23-cv-10738-VSB**

Dear Judge Broderick:

Counsel for Plaintiff / Counterclaim Defendant Jones Lang LaSalle Brokerage, Inc. (“JLL”) and counsel for Defendant / Counterclaim Plaintiff Nityo Infotech Corporation (“Nityo”) respectfully submit this joint letter pursuant to the Court’s order of February 22, 2024, ECF No. 13. The parties’ proposed Case Management Plan and Scheduling Order is attached hereto.

1. **Nature of the action and principal defenses.** JLL, a real estate brokerage, brought this action to recover commissions owed pursuant to a services agreement (the “Services Agreement”) entered into between JLL and Nityo on or about July 21, 2022. JLL seeks commissions in connection with (i) a sublease entered into by Nityo in or about June 2023, and (ii) a termination agreement entered into by Nityo and its landlord in or about September 2023. Nityo has asserted an affirmative defense of negligence or breach of contract by JLL. Nityo has also brought a counterclaim for breach of contract, asserting that JLL failed to perform its obligations under the Services Agreement. JLL has not yet answered Nityo’s counterclaim, but intends to raise various affirmative defenses, including without limitation that (i) Nityo has failed to state a claim; (ii) JLL has not breached the Services Agreement; (iii) Nityo waived all claims by ratifying JLL’s conduct in an amendment to the Services Agreement; (iv) the damages alleged by Nityo were not caused by JLL; and (v) the damages alleged by Nityo are not recoverable under the Services Agreement.
2. **Jurisdiction and venue.** This Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because there is complete diversity between the parties and the sum in controversy exceeds \$75,000. JLL is a corporation organized, existing, and operated under the laws of Texas, with its principal place of business at 200 East Randolph Drive, Chicago, Illinois 60601. Nityo is a corporation organized, existing, and operated under the laws of Delaware with its principal place of business at 666 Plainsboro Road, Plainsboro, New Jersey 08536. Venue is appropriate in this District pursuant to 28 U.S.C. § 1391 because many of the events giving rise to the claims in this action

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occurred in this District; the property subject to the agreement between the parties is located in this District; and the governing law of the agreement is New York State.

3. **Motions.** There are no outstanding motions. JLL anticipates moving for summary judgment with respect both to JLL's claims against Nityo and Nityo's counterclaim against JLL.
4. **Discovery.** No discovery has taken place. In order to engage in meaningful settlement negotiations, JLL believes it will be necessary to obtain all agreements between Nityo and its landlord concerning the premises in question, as well as communications and documents concerning negotiations between Nityo and its landlord; Nityo believes it will be necessary to obtain all documents and communications concerning work performed by JLL under the Services Agreement.
5. **Settlement.** It is counsel's understanding that principals of the parties have engaged in limited informal settlement discussions but, at the present time, the prospect of settlement is low.
6. **Length of trial.** The parties estimate that the length of trial will be 3 days.
7. **Other information.** The parties do not believe there is additional information that would assist the Court at this time.

Respectfully submitted,

/s/ Emilie B. Cooper  
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Attachment